

**APPLICATION FOR A
DETERMINATION OF BENEFICIAL USE**

\$1,300.00 Application Fee

PART I (PLEASE PRINT)

APPLICANT/OWNER INFORMATION

1. Applicant is: ⊕ Owner ⊕ Authorized Representative
2. Applicant's name: _____ Phone: _____
3. Applicant's Mailing Address: _____

4. Owner's name (if applicant is not owner): _____
5. Owner's address: _____
6. Attach a copy of the Recorded Deed showing ownership.
7. Attach survey or other legal description (if not part of 6 above).

PROJECT AND SITE INFORMATION

8. Project/site address: _____

9. RE#: _____
10. Legal description (attach metes and bounds description if necessary): _____

11. Identify the land used district in which the property is located. Attach a map showing the district boundaries if the property is located in more than one land use district: _____

12. Describe the present use of the property: _____

13. Document the date the owner acquired the property and the amount paid: _____

14. Document the current value of the property: _____

Part II

PLEASE ANSWER THE FOLLOWING:

1. Explain the reason for your application for Beneficial Use and include any official act by the County denying you of all reasonable use of your property (describe your expectation for uses of the property):

2. Document any determination of Vested Rights for the property: _____

3. Document all attempts made to sell the property and the results of those efforts. Attach documentation in support: _____

4. Explain how the criteria identified in Policy 101.18.5, Monroe County Year 2010 Comprehensive Plan are met. A copy of this policy is attached to this application: _____

NOTARY:

STATE OF FLORIDA

COUNTY OF _____

APPLICANT'S SIGNATURE

The foregoing signature was acknowledged before me this _____ day of _____, _____ by _____

who is personally known to me or who has produced _____ as identification.

My commission expires: _____

Signature of Notary Public, State of Florida

**MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN
BENEFICIAL USE
PROCEDURES AND CRITERIA**

Objective 101.18

Monroe County hereby adopts the following procedures and criteria for the determination of Vested Rights and Beneficial Use, for the effect of such determinations.

Policy 101.18.5

1. It is the policy of Monroe County that neither the provisions of this Comprehensive Plan nor the Land Development Regulations shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the date of adoption of this Comprehensive Plan. Accordingly, Monroe County shall adopt a Beneficial Use procedure under which an owner of real property may apply for relief from the literal application of applicable land use regulations of this plan when such application would have the effect of denying all economically reasonable use that property unless such deprivation is shown to be necessary to prevent a nuisance or to protect the health, safety and welfare to its citizens under Florida Law. For the purpose of this policy, all reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within reasonable time as established by current land use care law.* Adopted pursuant FAC Rule 28-20.100(16)
2. The relief to which an owner shall be entitled may be provided through the use of one or a combination of the following:
 - a) Granting of a permit for development which shall be deducted from the Permit Allocation System;
 - b) Granting of use of Transferable Development Rights (TDRs);
 - c) Government purchase of all or a portion of the lots or parcels upon which all beneficial use is prohibited. This alternative shall be the preferred alternative when beneficial use has been deprived by application of Division 8, of the Land Development Regulations;
 - d) Such other relief as the County may deem appropriate and adequate.
3. Development approved pursuant to Beneficial Use determination shall be consistent with all other objectives and policies of the Comprehensive Plan and the Land Development Regulations unless specifically exempted from such requirements in the final Beneficial Use determination. *Adopted pursuant FAC Rule 28-20.100(17)